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Title:
The United mine workers of America, district...
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... The United mine workers of America, district no. 15, employes of the Colorado fuel and iron company, *vs.* the Colorado fuel and iron company. Findings and award. [Denver? 1917]

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COLORADO INDUSTRIAL COMMISSION.

THE UNITED MINE WORKERS OF AMERICA, DISTRICT NO. 15, EMPLOYES OF THE COLORADO FUEL AND IRON COMPANY, vs. THE COLORADO FUEL AND IRON COMPANY.

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THE UNITED MINE WORKERS OF AMERICA, DISTRICT NO. 15, EMPLOYES OF THE COLORADO FUEL AND IRON COMPANY,

vs.

THE COLORADO FUEL AND IRON COMPANY.

Findings and Award

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Industrial Commission of Colorado

THE UNITED MINE WORKERS OF AMERICA, DISTRICT NO. 15, EMPLOYES OF THE COLORADO FUEL AND IRON COMPANY,

vs.

THE COLORADO FUEL AND IRON COMPANY.

Findings and Award

This controversy arose out of a demand of the United Mine Workers of America, District No. 15, representing employes of The Colorado Fuel & Iron Company, for the adjustment of certain grievances, which the employes claimed to have, against said company.

The United Mine Workers of America, District No. 15, by their President, Mr. Jas. F. Moran, gave notice under date of June 29, 1917, as follows:

"Pueblo, Colorado, June 29, 1917.

Messrs. Hiram Hilts and Geo. Densmore,
Members of Industrial Commission,
Denver, Colorado,

Dear Sirs:

In accordance with the Colorado State Law, I hereby give you the required thirty days' notice that on August 1st, the United Mine Workers of America will abandon all mines in the State of Colorado operated by the Colorado Fuel & Iron Company, unless the present grievances can be adjusted before that time.

Respectfully submitted,
Jas. F. Moran,
Pres. Dist. ♯ 15 U. M. W. of A."

The Industrial Commission requested Mr. Moran to advise the Commission as to the nature of the grievances to be adjusted, and to furnish the Commission a copy of the demands made on The Colorado Fuel & Iron Company. Under date of July 3rd, Mr. Moran wrote that the grievances would be tabulated in a few days and when complete, he would forward the Commission a copy. Having heard nothing from Mr. Moran, the Commission on July 16th wrote again requesting a list of the grievances and a copy of the demands. This letter Mr. Moran answered on July 17th, stating that the representatives of the mine workers had arranged to meet the officials of The Colorado Fuel & Iron Company and the Industrial Commission on July 26th, at which time the mine workers would present all grievances. On July 26 Mr. Moran and Mr. John

McLennan representing the mine workers and Mr. Welborn and Mr. Hicks representing The Colorado Fuel & Iron Company appeared at the Capitol Building in Denver, the place appointed by the Commission for the conference on that date. Mr. Moran stated that the representatives from the various camps of The Colorado Fuel & Iron Company had met that morning at the Oxford Hotel, and that they refused to meet in the Capitol Building.

After some discussion, Mr. Welborn and Mr. Moran agreed that the meeting should be held at Mr. Welborn's office in the Boston Building. Members of the Industrial Commission were invited to be present and accepted the invitation. A reporter in the employ of the Industrial Commission took down in shorthand the proceedings at the preliminary meeting in the Capitol Building, at the conference at Mr. Welborn's office, and at all of the subsequent hearings and investigations made by the Commission in the cities of Denver, Trinidad, Walsenburg, Crested Butte and Rockvale. The reporter's shorthand notes were all transcribed, compared and verified by the reporter, and the transcript made a part of the record.

The miners were represented at the conference by Mr. Jas. F. Moran, President of District No. 15, Mr. Warren E. Pippin, Secretary District No. 15, Mr. John McLennan, and the following camp representatives.

Joe Dalpin, Toltec.
Max Morganstein, Coal Creek.
Dan Richards, Canon City.
Wm. Richards, Rockvale.
John Petruin, Williamsburg.
Mike Mansfield, Pryor.

Wm. M. Johnson, Berwind.
Dominich Masero, Starkville.
James Kilpatrick, Morley.
J. B. Dalfior, Pryor.
Mike Anaya, Walsenburg.
Pete Visich, Walsenburg.
Joe Lucksich, Primero.
H. M. Smith, Segundo.
Joe DeBella, Sopris.
H. C. Stewart, Sopris.
Cacidio DeSantis, Berwind.
Joe Arnott, Crested Butte.
Joe Loftis, Ideal.
George Steglich, Pryor.

The Colorado Fuel & Iron Company was represented by Mr. J. F. Welborn, President of The Colorado Fuel & Iron Company, and the following officials and mine superintendents:

J. B. McKennan, General Manager.
C. J. Hicks, Assistant to President.
David Griffiths, President's Industrial Representative.
E. H. Weitzel, Manager, Fuel Department.
B. J. Matteson, Asst. Manager, Fuel Department.
Charles Chambers, Supt., Morley.
John Shaw, Supt., Starkville.
John Deldosso, Supt., Sopris.
Joseph Haske, Supt., Primero.
James O'Neill, Supt., Frederick.
George B. Parker, Supt. Berwind and Tobasco.
W. G. Deck, Supt., Rouse and Lester.
J. P. Thomas, Div. Supt. Fuel Dept., Trinidad.
W. J. Tyson, Supt., Ideal.

Charles Kaiser, Supt., Cameron.
W. S. Getchell, Supt., Robinson, Walsen and Pictou.
Ben Beach, Supt. Coal Creek.
H. Johns, Supt., Rockvale.
W. J. Davis, Supt., Fremont.
William Manley, Supt., Crested Butte and Floresta.
James McGowan.
E. S. Cowdrick.
F. R. Scoon.

At the conference, Mr. Warren E. Pippin, Secretary of the U. M. W. of A., submitted a list of nineteen demands and grievances, the first of which was a demand for the recognition of the Union. This Mr. Welborn, representing The Colorado Fuel & Iron Company, positively refused to consider. The conference continued late in the evening of July 26th and all day July 27th. The second grievance, a question of pushing cars, and the third grievance, a complaint that cross cuts had to be driven without compensation, were discussed at some length. The conference started on a discussion of the fourth grievance, a complaint that members of the United Mine Workers were discriminated against. None of the other grievances were considered or discussed.

Mr. Moran proposed that all the demands and grievances be arbitrated, by the appointment of an arbitration committee consisting of one man to be named by Mr. Weitzel, representing The Colorado Fuel & Iron Company, one representing the miners, and if they could not agree, the two select a third, to settle all grievances contained in the list presented, and any other grievance that might arise. Mr. Moran when asked if his proposition was intended to include the

demand for recognition of the Union, answered "To pass on all questions." Mr. Welborn then stated that he would not submit that question to anybody. Mr. Moran stated that the miners would not submit anything to the Industrial Commission.

Mr. Welborn on behalf of The Colorado Fuel & Iron Company submitted as a counter-proposition, three methods for settling all grievances except the question of recognition of the Union, as follows:

> "1st. Place the grievances, with the exception noted (the question of recognition of the Union) in the hands of the State Industrial Commission with power to settle.
>
> "2nd. Place in the hands of the various Joint Committees on Industrial Co-operation and Conciliation in the four districts of our coal mining operations, and one member of the State Industrial Commission, who shall act as umpire in case of failure on the part of the committee or committees to agree, the grievances relating to their several districts, with the exception noted.
>
> "3rd. Compose a committee of one member of the State Industrial Commission, one of our employes from each of the four districts in attendance at this meeting to be selected by the employes here present; making four employes in the aggregate; and four officials of the Company to be chosen by myself. The four employes and the four officials of the Company in the presence of the State Industrial Commission shall endeavor to adjust the grievances, but failing to do so the Commissioner is to act as umpire."

The conference then adjourned sine die after Mr. Moran had made a statement that he would give Mr. Welborn an answer in the morning.

The conference, having apparently accomplished nothing, and the notice of Mr. Moran having named August 1st as the date upon which the employes would leave their work unless their demands and grievances were adjusted, the Commission under date of July 28th took jurisdiction in the matter of the controversy and gave notice of a hearing and investigation beginning at ten o'clock A. M., Monday, August 13, 1917, at the Capitol Building in Denver, Colorado. The meeting was continued on August 14th, and then adjourned from day to day and hearings held at the following places on the dates named: Denver, August 20th; Trinidad, August 28th and 29th; Walsenburg, August 30th and 31st; Crested Butte, September 11th; and Rockvale, September 13th.

In the course of its investigation, the Commission and its representatives, visited every mining camp of The Colorado Fuel & Iron Company in Colorado; and conducted a hearing and investigation in each of the four districts, Trinidad, Walsenburg, Canon and Western, due notice of the hearing in each camp having been given by mailing copy of the notice to the miner's representatives from the camp, who attended the conference in Denver on July 26 and 27th, also mailing notice to the Superintendent of each mine and having a notice posted at the Company's store in each camp.

During the investigation the Commission examined the following witnesses, under oath:

14 David Griffiths.
28 James Dalrymple.
31-58 Clarence J. Hicks.
33 E. H. Weitzel.
53 Burton James Matteson.
68 William L. Morrissey.
69 James F. Moran.
84 William M. Johnson.
105 Dominick Masero.
117 Joe Luksich.
126 H. M. Smith.
133 Joe DeBella.
153 H. C. Stewart.
163 Casidio DeSantis.
168 Alex Rubin.
181 James Kilpatrick.
199 Charles Chambers.
207 Joseph Haske.
216 George B. Parker.
221 John Shaw.
228 James O'Neill.
236 W. E. Danford.
237 Jack Deldosso.
247 Jim Glorissa.
250 Tom Thomas.
255 Lou Allen.
257 Reese Roberts.
259 Charles Allebach.
269 J. B. Dalfior.
277 Mike Anaya.
283 Pete Visich.

291 George Steglich.
298 William George Deck.
305 Charles A. Kaiser.
312 William S. Getchell.
323 Martin Maurer.
325 Battista Gallissinni.
328 William J. Tyson.
332 Tim Valdez.
334 Samuel James Warwick.
336 W. R. Thompson.
337. A. E. Thompson.
339 Ellis L. Williams.
341 D. A. Garcia.
343 Joseph Monroe Arnott.
349 William Manley.
357 William McShane.
361 Elmer George Gladstone.
366 Max Morganstein.
380 A. D. Richards.
389 J. W. Lynch.
400 Benjamin Beach.
412 William Gilbert.
428 William K. Jones.
430 William Jasper Davis.
Fred H. Bentley.

Mr. Welborn appeared before the Commission and stated that whatever in the course of the investigation the Commission might find that in its judgment was wrong, the Company would right or correct, according to the views of the Commission.

Mr. Moran, having failed to appear before the Commission when summoned, the District Court of the City and County of Denver, upon application of the

Commission, issued an order that he appear and testify.

Mr. Moran then appeared and testified:

That he came in answer to summons of the court;

That the list of grievances, presented at the meeting of July 26th and 27th, were read at the meeting of the representatives of the U. M. W. of A. held at the Oxford Hotel, July 26th, but were not considered;

That he had authority to call a strike, but refused to state the source of his authority, and, when asked if his authority came from Mr. John P. White, National President of the United Mine Workers, refused to answer;

That no referendum vote had been taken on the question of a strike.

Mr. Reese Roberts, a fire boss at Primero, testified that at a Union meeting held at Primero on Sunday, August 26th, 1917, Mr. Moran, in a speech, stated that "they didn't want a strike" but the Company would sign up sooner or later, and if they did not, "if they think the last strike was bad, that the last strike will seem like a peace conference alongside of this."

The nineteen demands and grievances submitted by Mr. Warren E. Pippen, Secretary of District No. 15, United Mine Workers of America, at the conference with the Colorado Fuel & Iron Company, July 26, 1917, signed by W. M. Johnson, Charles Allebach and Max Morganstein, representing the miners, have been taken up and investigated in the order in which they were presented, as follows:

(Demands and grievances printed in Italics.)

"1*st*: *Recognition of the United Mine Workers of America, and a joint contract*

entered into between them and the C. F. & I. Company being a primary grievance, as well as other grievances can be adjusted therein by both sides being impartially represented. Under the present conditions this is not being done, has not been done and cannot be done satisfactorily, as is demonstrated by the multitude of grievances which follows, as well as many others overlooked or not mentioned."

The question of recognition of the Union, is one with which the Industrial Commission has nothing to do, the scope of its authority being limited to questions of wages, hours and working conditions.

The Commission, from its investigations, can only infer that there was no demand on the part of any considerable number of employes of the Company for the presentation of the grievances, and that, the demand for recognition of the Union, supported by other complaints, was a matter of petty internal politics, promoted for the purpose of advancing the interests of that faction of the United Mine Workers of America, represented by the President and Secretary of District No. 15, who were appointed by the National Organization, and came to Colorado from Iowa and Kansas, respectively. The Commission believes that there is no excuse for making a demand for recognition during times like the present, when the country is at war and needs the undivided support of all its people, and that had these questions been left for settlement to our own citizens, no such demand would have been made at this time.

"2nd: Pushing of cars at Lester, Rouse, Coal Creek, Cameron, Walsen, Rockvale and generally in the C. F. & I. mines."

Track conditions differ at the various mines. Miners are paid by the ton. By custom, pushing of cars is included in the tonnage rate, but where, by reason of grade, the work is too hard for the men, the Company causes the cars to be hauled one way and in some instances both ways. At times, in some of the mines, pressure forces the floor of the room up, so as to make the track irregular, in which event, the Company pays the miner for putting it in shape or sends in a Company man to do the work. The miner is required to keep the track clean in the room in which he is loading coal.

The evidence produced before the Commission, showed that a number of complaints had been made, that they were investigated promptly and when they were justified, mules or other means of transportation furnished.

"3rd: Driving of cross-cuts without payment of yardage through pillars from 20 to 35 feet thick."

Testimony shows that the Company does pay for yardage, in addition to tonnage, for driving cross-cuts, although by reason of different conditions the rate is not the same in all camps.

"4th: Discrimination against members of the United Mine Workers of America and others who have the temerity to ask for justice."

The investigation, by the Commission, showed no discrimination against any employe by reason of his affiliation with the United Mine Workers of America or any Union or other lawful organization; on the contrary, the evidence showed that the Company encourages its men to bring their complaints to the Pit Boss, Superintendent, Industrial Representative or officers of the Company.

The Company employs many members of the Union, and when employing men does not inquire as to their membership in labor organizations.

Section 3925 and 3926, Revised Statutes of Colorado, 1908, provides that: It shall be unlawful for any employer to prevent any employe joining any lawful union or other organization or to coerce any employe by discharging or threatening to discharge him on account of his membership in any such organization, and provides as a penalty for the violation of the act, a fine from $100.00 to $500.00 or six months to one year imprisonment or both.

Mr. W. L. Morrisey, Deputy State Labor Commissioner, testified that his Department had not received a report from any employe of The Colorado Fuel & Iron Company or from any representative of the employes of that Company, of any discrimination against members of the Union or other organization. Mr. Morrisey investigated the records of his office for the past three years and reported to the Commission that he failed to find any such complaint of discrimination.

The Union is permitted to hold meetings on the Company property.

"5th: Removal of gun men from all camps who are kept there to intimidate the miners and prevent them from getting or asking for fair play or justice, in any manner."

No "gun men" employed. The Company does employ a night watchman in most of the camps, some of these watchmen are armed and some are not. At Berwind and Tabasco, adjoining camps, the Company has six men employed as watchmen. The extra men were put on at the request of the Italian miners, after the houses of two Italians had been dynamited.

The Company stores cash all miners checks, and on pay day one or two armed men are employed to accompany the money from the express office to the Company stores.

Only one complaint was produced to show that the watchmen had in any way interfered with a Company employe or other person engaged in any lawful pursuit. This complaint was by one of the men, who signed the list of grievances, and was to the effect that he had caught the watchman eavesdropping at his house. He complained to the representative of the employes and was told if charges were brought and substantiated the offending party would be removed in two days. No charge was brought.

"6th: The abolition of the system of coercion of mine workers from presenting their grievances, threats, intimidation and more vicious methods are being employed."

No evidence whatever in support of this complaint.

The evidence presented and the investigation of the Commission, show that the Company offers every opportunity and encouragement to its employes to present their grievances.

An "Industrial Representation Plan" was adopted by the Company and its employes in October, 1915.

The plan provides for the election of at least two Representatives from each camp, who represent the employes in all matters of employment and living and working conditions. Investigation leads the Commission to believe the plan has been successful in dealing with the difficulties that constantly arise between an employer and his employes, and that the employes of The Colorado Fuel and Iron Company are generally satisfied with its workings.

Testimony shows that complaints are investigated promptly, given careful consideration and adjusted, in most instances to the satisfaction of the employe.

The Company employs as Industrial Representative of the President, Mr. David Griffiths, whose duty it is to investigate conditions in and about all the Company's properties and make reports and recommendations direct to the President. He has authority to settle complaints and grievances and adjust any disputes between the Company and its employes. At one of the hearings before the Commission, a suggestion was made that the employes elect a representative, to be paid by themselves and to act for the employes in the capacity that Mr. Griffiths acts for the Company. The Commission believes that this suggestion is worthy of careful consideration.

"7th: A breach of faith on the part of

the Coal Company in changing the basic tonnage rate from 90c to 80c in Fremont County on the promise of again restoring that rate with additional justified advances were never complied with."

All the Company mines in the Canon (Fremont County) district were closed during a strike in 1914. After the strike ended a committee of miners petitioned the officers of The Colorado Fuel & Iron Company to open the mines in the Fremont County District. It was claimed on account of loss of contracts, the Company could not operate at the old rate of ninety cents and it was agreed to start work at eighty cents per ton.

The Manager of the Fuel Department, with whom the arrangement was made, testified there was no agreement to reinstate the 90c rate. The miners claim their representatives reported to their meeting that the Company would reinstate the 90c rate when conditions again became normal. Company claims reinstating old rate would permit Fremont County miners to earn more than the miners in other counties of the state.

"8th: Refusing to check off one per cent of the mine workers wages at their request, same to be paid to the Red Cross during the war through the secretary chosen by the miners."

This matter was brought up in one camp only, Sopris. The President and Secretary of the local Union U. M. W. of A. presented a request that 1% be deducted from the wages of the miners each month and turned over to the Secretary.

The Company refuses to make any deductions from pay of any employe except upon his written request, and as the request for a deduction of 1% was only signed by "the President and Secretary and a few men" it was refused.

The Company recommended that every employe of The Colorado Fuel & Iron Company contribute one day's pay to the Red Cross to be collected by the wives and daughters of the miners. This recommendation was generally complied with.

"9th: Refusing to pay for cross-bars and extra timbering as done by other companies."

The law requires a miner to set timbers at the face.

Setting timbers at the face of a miner's working place is, by custom, included in the tonnage rate. The Company pays extra for setting cross bars in some of its mines. This is governed by local conditions.

This complaint seems to come principally from Starkville, but testimony shows that any disadvantage is offset by other favorable conditions of mining and that the complaint is not well founded. The Company pays for repairs on timbering when done by miners.

"10th: The establishment of the age limit on employes."

The Colorado Fuel & Iron Company has established a pension system for all its employes and has placed an age limit of 45 years on new employes. At the age of 65, men with a service record of 20 years are retired on a pension of not less than $20.00 per month.

Men can get leave of absence for one to ninety days or more without losing rights.

As it is the Company's right to employ whom it pleases this question is not considered a reasonable cause for complaint.

> *"11th: Pit bosses having miners' coal loaded during the miners' absence without any compensation therefor."*

Only one instance brought out by the testimony. A car of coal was derailed at the Walsen Mine in March, 1916. Some one loaded the coal and put on a check other than that of the miner. A witness furnished the man's name and he was found to be working at the Robinson Mine. The man was called out of the mine August 31, 1917, and his case investigated in the presence of the Commission. His claim was found correct and he was given credit for one car of coal and was also credited with one-half day's pay for time lost in coming out of the mine.

Other instances were presented where complaints had been made, which had been promptly adjusted.

> *"12th: Entrymen are compelled to lay their own iron track and afterward tear that up and lay permanent road without any compensation for so doing."*

Testimony shows it is the custom in coal mines for miners to lay track as their working places advance. The Company furnishes material at a convenient place. The miner usually has two short rails (8 ft long) which

are laid on the side at the end of the track when he has advanced a distance of eight feet or more, and, when he has made a sufficient farther advance, he takes up the eight foot temporary rail and lays and spikes down a standard rail. This work is included in the tonnage rate of pay and no claim has been made to the contrary. Company men lay curves and switches. There is no foundation for this complaint.

> *"13th: No scale is made for brushing bottom and top or either of them in addition to the tonnage rate, which should be done."*

Testimony shows that the Company pays for brushing; the work being measured and settlement made once a month. The scale is not the same in all mines, as conditions differ, and in some mines the work is done by Company men. Claims apparently adjusted promptly—No excuse for complaint.

> *"14th: The mining laws are not complied with for the safety of the employes, such as timber being placed at a safe distance from the track and other dangerous practices should be discontinued."*

The Colorado Coal Mine Inspection Laws are among the best in the country, and the Inspection Department is active and efficient.

James Dalrymple, State Coal Mine Inspector, testified that all The Colorado Fuel & Iron Company properties are inspected every ninety days, and some of the properties every sixty days. That his department has received no complaints of failure to comply with the

safety and other laws governing coal mines, and "the fact that we have had less trouble, and have had our recommendations carried out promptly, would leave the inference that their mines are in better condition than other mines."

Testimony shows that timbers are sometimes squeezed out of place and have to be reset. Nothing in the evidence to show that the state laws or safety rules are violated, or that the Company does not give prompt attention to any report of unsatisfactory conditions.

> *"15th: Choice of doctors should be absolutely at the discretion of the men without any interference from anyone or any source, which is not now the case."*

Physicians in the Coal Company Camps are selected by the Company, which maintains a system of emergency hospitals with a general hospital at Pueblo.

The plan of selection was approved by the employes by the adoption of the Company's "Industrial Plan." Medical and hospital service are furnished at one dollar per month for each employe and his family.

The testimony did not present a serious complaint. The whole subject is covered by the statement of one of the signers of the nineteen grievances who testified, "one doctor cannot suit everybody," and by another witness who stated, "some like him and some don't, would be the same with any other doctor."

Any other system would present all the disadvantages and lack many of the advantages of that now in use. No complaint has been made that the medical plan of the Company does not fully comply with all of

the requirements of the Workmen's Compensation Act.

> *"16th: Eight hours shall constitute a day's work and the practice now in vogue of working over that time, at the discretion of the Coal Company, especially when there is no real cause for it, should be discontinued."*

Coal miners are paid for the tons of coal they mine and not by the hours of labor. Some Company men such as "Rope Riders" and "Top Men" work nine hours. They are employed and paid for nine hours. It is the custom throughout Colorado, and so far as this Commission is informed, the custom in all coal mining districts.

Complaint was made that drivers are in some instances required to take their mules in and out and work eight hours at their place of employment. The question of working "Bank to Bank" is an old demand of the U. M. W. of A. and so far as this Commission is advised, is not the custom in any coal mining district, and does not constitute a grievance against the Colorado Fuel & Iron Company.

> *"17th: A cut of 5c per ton at Fremont Mine was put in effect on July 16th without justification."*

This grievance was not supported by any testimony. The witnesses from Fremont County knew of no complaint. The Company has a scale at the Fremont Mine which varies according to the thickness of the vein. The Superintendent of the Fremont Mine testified that the vein is measured twice a month and the coal paid for at the established rate.

"18th: Discrimination against some of the employes in the matter of renting dwelling houses by the C. F. & I. Coal Company are common occurrences."

Testimony shows that houses are rented to employes in the order of their application. No witness testified that he had been discriminated against in the allotment of houses or that he knew of any person who had.

Company representatives admitted that in a few instances (half a dozen times in three years) they had given preference to a fire boss, blacksmith, electrician or other employe whose employment was such as to require him to be available at all hours. The Company is building a considerable number of new houses in various camps to meet the demand.

"19th: Scales for weighing coal are often out of order and placed in improper places where it is impossible for them to weigh coal correctly."

No testimony to support this grievance. Company employs a Superintendent of Scales who investigates all complaints. 2000 lbs of government test weights are kept at each mine for use of weigh-master and check weighman. Scales are inspected every two or three months, and immediately on complaint .

One complaint that scale at one mine worked a little stiff. Witness said it was adjusted the day notice was given and worked all right after that. "Check scales sometimes once or twice a day. Tested last

week, 1000 pounds weights only showed 900 pounds. Adjusted scales to show right amount, 1000 pounds, before cars went over the scales." This complaint was investigated by the Superintendent of Scales, who reported to the Commission that some one had put linseed oil into the dash box of the automatic weighing device, causing it to work "stiff."

THE COMMISSION FINDS:

That (with the exception of demand for recognition of the Union) the grievances presented to The Colorado Fuel & Iron Company by the United Mine Workers of America, representing employes of said Company, were nearly all of a trivial, unimportant character not entitled to be classed as grievances, and which could have been promptly, easily and fairly adjusted between the employes and their employer, through the channels provided by the Company's Industrial Plan.

That the 2nd, 3rd, 4th, 5th, 6th, 8th, 9th, 10th, 12th, 13th, 14th, 15th, 16th, 17th, 18th and 19th grievances or complaints are not supported by the testimony presented at the hearings and investigations of this Commission.

That the 11th grievance was settled promptly and satisfactorily upon presentation, and would undoubtedly have been adjusted at the time, had complaint been made.

That as to the 7th grievance, there has been no breach of faith on the part of the Company in not restoring the 10 cents per ton, no evidence having been

produced to show that any promise was made to that effect.

That prior to May 1st, 1917, the average daily earnings of the miners in The Colorado Fuel & Iron Company mines in the Canon (Fremont County) District were equal to, or slightly in excess of, the average daily earnings of the miners in the employ of the Company in its mines in the Trinidad and Walsenburg Districts.

That on May 1st, 1917, an increase of 10 cents per ton was granted to all coal miners. This ten cents per ton did not amount to so large a percentage of increase in the Canon District, as in the Trinidad and Walsenburg Districts, and in order to equalize the daily earnings of the miners in the employ of the Company in the districts named, a further increase of six cents per ton should be granted.

IT IS THE AWARD OF THIS COMMISSION:

That the scale for hand mining in the mines of The Colorado Fuel and Iron Company in the Canon District, namely: the Fremont, Rockvale and Coal Creek mines, be increased six cents per ton to equalize the earnings in the Canon and the Trinidad and Walsenburg Districts.

That this award be effective from and after this date.

IN WITNESS WHEREOF, The Industrial Commission of Colorado has caused its name to be subscribed hereto by its Chairman and its seal to be

attached hereto and attested by its Secretary and the signatures of the said Commissioners, this 20th day of October, A. D. 1917.

THE INDUSTRIAL COMMISSION
OF COLLORADO,

Seal

HIRAM E. HILTS,
Chairman.

GEO. W. DENSMORE,
Commissioner.

Attest:
WALTER E. SCHWED,
Secretary.

THE COLORADO FUEL AND IRON COMPANY
DENVER, COLORADO

J. F. WELBORN,
PRESIDENT

December 1, 1917.

TO ALL EMPLOYEES:

The accompanying report of The Industrial Commission of Colorado is of vital interest to everyone related to this Company, and I recommend it to you for careful perusal. You will note that it pertains to alleged grievances of some of our employees and to the findings of the Commission with reference to the same.

This report contains the decision of the Commission, reached after a thorough personal investigation made in visits to the coal mining properties of the Company in Colorado.

The Commission finds "that (with the exception of demand for recognition of the Union) the grievances presented to The Colorado Fuel and Iron Company by the United Mine Workers of America, representing employees of said Company, were nearly all of a trivial, unimportant character, not entitled to be classed as grievances, and which could have been promptly, easily and fairly adjusted between the employees and their employer through the channels provided by the Company's Industrial Plan."

The officers of the Company cheerfully put into effect the award of the Commission for an increase of 6 cents per ton in the scale for hand mining at the Fremont, Rockvale and Coal Creek mines in the Canon District.

The Company's position from the outset of this controversy, as outlined in my circular letter of July 28, 1917, has been that, while it declined to make a contract with the Union on behalf of a portion of its employees, it will stand by its existing agreement, which covers all employees, and continue to adjust any grievances through the Industrial Representation Plan as heretofore.

J. F. WELBORN,
President.

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